

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 586

Introduced by Bromm, 23

Read first time January 19, 1999

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to motor vehicles; to amend sections 53-186 and
- 2 60-601, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to consumption of alcohol in a motor
- 4 vehicle; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-186, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-186. (1) Except as provided in subsection (2) of this
4 section, it shall be unlawful for any person to consume alcoholic
5 liquor ~~(a) in the public streets, alleys, parking areas, roads, or~~
6 ~~highways, (b) inside vehicles while upon the public streets,~~
7 ~~alleys, parking areas, roads, or highways, or (c) upon property~~
8 owned or controlled by the state or any governmental subdivision
9 thereof unless authorized by the governing bodies having
10 jurisdiction over such property.

11 (2) The commission may issue licenses for the sale of
12 alcoholic liquor at retail (a) on lands owned by public power
13 districts, public power and irrigation districts, the Bureau of
14 Reclamation, or the Corps of Army Engineers or (b) for locations
15 within or on structures on land owned by the state, cities, or
16 villages or on lands controlled by airport authorities. The
17 issuance of a license under this subsection shall be subject to the
18 consent of the local governing body having jurisdiction over the
19 site for which the license is requested as provided in the Nebraska
20 Liquor Control Act.

21 Sec. 2. Section 60-601, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-601. Sections 60-601 to 60-6,374 and section 3 of
24 this act shall be known and may be cited as the Nebraska Rules of
25 the Road.

26 Sec. 3. (1) For purposes of this section, open alcoholic
27 beverage container means any bottle, can, or other receptacle:

28 (a) That contains any amount of alcoholic liquor; and

1 (b)(i) That is open or has a broken seal or (ii) the
2 contents of which are partially removed.

3 (2) Except as provided in subsection (4) of this section,
4 it is unlawful for any person in the passenger compartment of a
5 motor vehicle to possess an open alcoholic beverage container while
6 the motor vehicle is located in a public parking area or on any
7 highway in this state.

8 (3) Except as provided in section 53-186, it is unlawful
9 for any person to consume alcoholic liquor (a) in a public parking
10 area or on any highway in this state or (b) inside motor vehicles
11 while in a public parking area or on any highway in this state.

12 (4) The following exceptions apply to this section:

13 (a) Persons who are passengers of but who are not
14 operating a motor vehicle subject to regulation pursuant to Chapter
15 75, article 3, may possess open alcoholic beverage containers while
16 such vehicle is in a public parking area or on any highway in this
17 state; and

18 (b) Persons who are passengers in the living quarters of
19 a self-propelled mobile home or cabin trailer as defined in section
20 60-301, but who are not operating the self-propelled mobile home or
21 motor vehicle towing the cabin trailer, may possess open alcoholic
22 beverage containers while such vehicle is in a public parking area
23 or on any highway in this state.

24 Sec. 4. Original sections 53-186 and 60-601, Reissue
25 Revised Statutes of Nebraska, are repealed.